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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/696,829	
	Filing Date	October 30, 2003	
	First Named Inventor	Mark R. Kreitz	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	16	Attorney Docket Number	SPS 102/105

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Executed Declaration for Patent Application; Statement Under 37 CFR 3.73(b); Supplemental Application Data Sheet; Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

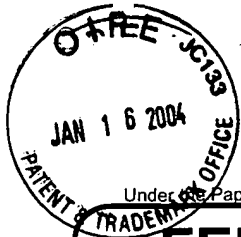
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Rivka D. Monheit, Esq., Reg. No. 48,731 Holland & Knight LLP Suite 2000, One Atlantic Center; 1201 West Peachtree Street, N.E.; Atlanta, GA 30309-3400
Signature	<i>Rivka D. Monheit</i>
Date	January 13, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Andreen Barrett
Signature	<i>Andreen Barrett</i>
Date	January 13, 2004

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SPS 102/105 - 079141/00003



# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65.00)

## Complete if Known

Application Number	10/696,829
Filing Date	October 30, 2003
First Named Inventor	Mark R. Kreitz
Examiner Name	
Art Unit	
Attorney Docket No.	SPS 102/105

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-1868

Holland & Knight LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$ 0.00)	

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
38	30	0	
Independent Claims	5	0	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$ 0.00)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	65.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 65.00)

## SUBMITTED BY

Name (Print/Type)	Rivka D. Monheit, Esq.	Registration No. (Attorney/Agent)	48,731	Telephone	(404) 817-8514
Signature	<i>Rivka D. Monheit</i>	Date	January 13, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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01/20/2004 WABRHM1 00000040 10596829

65.00 DA 01 FC:2051

01/20/2004 WABRHM1 00000040 10596829

65.00 DA 01 FC:2051



**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)**

**Title of Invention** NANOPARTICULATE BIOACTIVE AGENTS

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 10/696,829, filed on October 30, 2003,  
☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor one: Mark R. Kreitz

Signature: [Signature] Citizen of: USA

Inventor two: Yong S. Jong

Signature: [Signature] Citizen of: Korea

Inventor three: Edith Mathiowitz

Signature: [Signature] Citizen of: USA

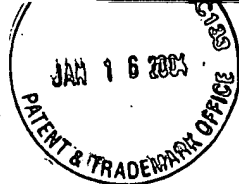
Inventor four: David J. Ensore

Signature: \_\_\_\_\_ Citizen of: USA

☒ Additional inventors or a legal representative are being named on 1 additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FULL NAME OF INVENTOR(S)**

Inventor one: Mark R. Kreitz

Signature: [Signature] Citizen of: USA

Inventor two: Yong S. Jong

Signature: [Signature] Citizen of: Korea

Inventor three: Edith Mathiowitz

Signature: [Signature] Citizen of: USA

Inventor four: David J. Ensore

Signature: [Signature] Citizen of: USA

☒ Additional inventors or a legal representative are being named on 1 additional form(s) attached hereto.

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)**

<b>Title of Invention</b>	<b>NANOPARTICULATE BIOACTIVE AGENTS</b>
---------------------------	---

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐ The attached application, or

☒ Application No. 10/696,829, filed on October 30, 2003,

☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

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All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor one: Michael J. Bassett

Signature:  Citizen of: USA

Inventor two: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor three: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor four: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

☐ Additional inventors or a legal representative are being named on \_\_\_\_\_ additional form(s) attached hereto.

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PTO/SB/81 (06-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/696,829
Filing Date	October 30, 2003
First Named Inventor	Mark R. Kreitz
Title	Nanoparticulate Bioactive Agents
Art Unit	
Examiner Name	
Attorney Docket Number	SPS 102/105

I hereby appoint:

☒ Practitioners at Customer Number:**23579**

OR

☐ Practitioner(s) named below:

Name	Registration Number
Patrea L. Pabst	31,284
Rivka D. Monheit	48,731
Todd S. Hofmeister	53,029

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:**23579**

OR

<input type="checkbox"/> Firm or Individual Name	Patrea L. Pabst; Holland & Knight LLP				
Address	Suite 2000, One Atlantic Center				
Address	1201 West Peachtree Street, N.E.				
City	Atlanta	State	GA	Zip	30309-3400
Country	USA				
Telephone	(404) 817-8473	Fax	(404) 817-8588		

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Name	Zohar Skarred		
Signature			
Date	November 24, 2003	Telephone	(401) 334-7800

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SPS 102/105 - 079141/00003



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Mark R. Kreitz, Yong S. Jong, Edith Mathiowitz, David J. Enscoe, and Michael J. Bassett

Application No./Patent No.: 10/696,829 Filed/Issue Date: October 30, 2003

Entitled: Nanoparticulate Bioactive Agents

Spherics, Inc., a corporation of the State of Delaware  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

November 24, 2003

Date

(401) 334-7800

Telephone number

Ze'er Shaked

Typed or printed name

[Signature]

Signature

President & CEO

Title

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## ASSIGNMENT

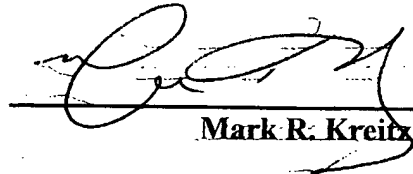
We, Mark R. Kreitz of 59 Pitman Street, Providence, Rhode Island 02906;  
Yong S. Jong of 198 Wayland Avenue, Apartment 4, Providence, Rhode Island 02906;  
Edith Mathiowitz of 184 Rawson Road, Brookline, Massachusetts 02445;  
David J. Enscoe of 2 Red Oak Drive, Sudbury, Massachusetts 01776; and  
Michael J. Bassett of 111-D N. Broadway, Apartment 207, Rumford, Rhode Island 02916,  
in consideration of ten dollars and other valuable consideration paid to us by Spherics, Inc.,  
a corporation of the State of Delaware, having its principal place of business at  
701 George Washington Highway, Lincoln, Rhode Island 02865 (hereinafter "said  
Assignee"), the receipt of which is hereby acknowledged, do hereby sell, assign and transfer  
unto said Assignee, its successors and assigns, the entire interest for the United States of  
America, and its territories and all foreign countries and jurisdictions, including all rights  
of priority under the International Convention for the Protection of Industrial Property, in  
a certain invention or improvement in "*Nanoparticulate Bioactive Agents*" described in  
U.S. Serial No. 10/696,829 filed in the United States Patent and Trademark Office  
on October 30, 2003, by Mark R. Kreitz, Yong S. Jong, Edith Mathiowitz, David J. Enscoe,  
and Michael J. Bassett, and in the provisional applications to which priority is claimed,  
being U.S. Provisional Application Serial Nos. 60/490,343 filed on July 25, 2003, and  
60/423,093 filed on October 30, 2002, and in all Letters Patent of the United States and its  
territories and all foreign countries and jurisdictions which may or shall be granted on said  
invention, or any parts thereof, or on said application, or any provisional, divisional,  
continuation, continuation-in-part, reissue, or other applications based in whole or in part  
thereon. And we agree, for ourselves and our executors and administrators, with said  
Assignee and its successors and assigns, but at its or their expense or charges, hereafter to  
execute all applications, amended specifications, deeds or other instruments, and to do all  
acts necessary or proper to secure the grant of Letters Patent in the United States and its  
territories and in all other foreign countries and jurisdictions to said Assignee, with  
specifications and claims in such form as shall be approved by the counsel of said Assignee,  
and to vest and confirm in said Assignee, its successors and assigns, the legal title to all such  
patents.



Title: "Nanoparticulate Bioactive Agents"  
By: Mark R. Kreitz, Yong S. Jeong, Edith Mathiowitz,  
David J. Enscoe, and Michael J. Bassett  
Filed: October 30, 2003  
ASSIGNMENT.

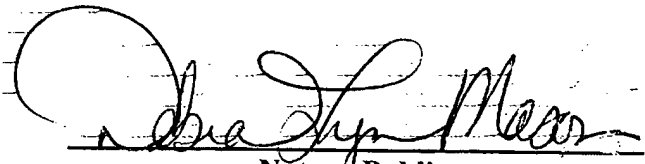
And we do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said Assignee, its successors and assigns.

WITNESS my hand and seal this 20<sup>th</sup> day of November, 2003.

  
Mark R. Kreitz

State of Rhode Island )  
County of Providence )

Then personally appeared the above named Mark R. Kreitz and acknowledged the foregoing instrument to be his free act and deed, before me this 20<sup>th</sup> day of November, 2003.

  
Notary Public

My Commission expires: 1/17/06

Title: "Nanoparticulate Bioactive Agents"

By: Mark R. Kreitz, Yong S. Jong, Edith Mathiowitz,

David J. Enscore, and Michael J. Bassett

Filed: October 30, 2003

ASSIGNMENT.

WITNESS my hand and seal this 20<sup>th</sup> day of November, 2003.

Yong S. Jong

State of Rhode Island

County of Providence

Then personally appeared the above named Yong S. Jong and acknowledged the foregoing instrument to be his free act and deed, before me this 20<sup>th</sup> day of November, 2003.

Notary Public

My Commission expires: 1/17/04

Title: "Nanoparticulate Bioactive Agents"

By: ~~Mark R. Kreitz, Yong S. Jong, Edith Mathiowitz,~~

David J. Ensore, and Michael J. Bassett

Filed: October 30, 2003

ASSIGNMENT...

WITNESS my hand and seal this 20<sup>th</sup> day of November, 2003.

Edith Mathiowitz  
Edith Mathiowitz

State of Rhode Island )

County of Providence )

Then personally appeared the above named Edith Mathiowitz and acknowledged the foregoing instrument to be her free act and deed, before me this 20<sup>th</sup> day of November, 2003.

[Signature]  
Notary Public

My Commission expires: 1/17/06

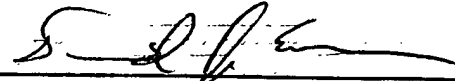
Title: "Nanoparticulate Bioactive Agents"

By: Mark R. Kreitz, Yong S. Jong, Edith Mathiowitz,  
David J. Ensore, and Michael J. Bassett

Filed: October 30, 2003

ASSIGNMENT

WITNESS my hand and seal this 24 day of NOVEMBER, 2003.



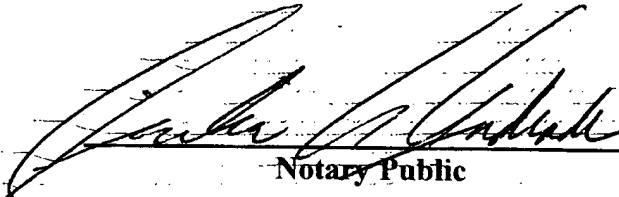
David J. Ensore

Massachusetts

State of ~~Rhode Island~~ )

County of Middlesex )

Then personally appeared the above named David J. Ensore and acknowledged the foregoing instrument to be his free act and deed, before me this 24 day of November, 2003.



Notary Public

My Commission expires: May 8, 2009

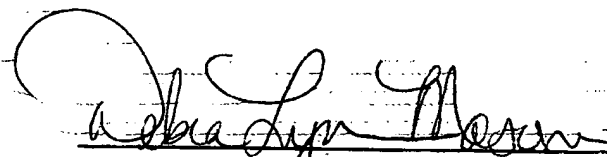
Title: "Nanoparticulate Bioactive Agents"  
By: Mark R. Kreitz, Yong S. Jong, Edith Mathiowitz,  
David J. Ensore, and Michael J. Bassett  
Filed: October 30, 2003  
ASSIGNMENT...

WITNESS my hand and seal this 20<sup>th</sup> day of November, 2003.

  
\_\_\_\_\_  
Michael J. Bassett

State of Rhode Island )  
County of Providence )

Then personally appeared the above named Michael J. Bassett and acknowledged  
the foregoing instrument to be his free act and deed, before me this 20<sup>th</sup> day of  
November, 2003.

  
\_\_\_\_\_  
Notary Public

My Commission expires: 1/17/06

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